



STAFF REPORT

Resolution Approving Revision to the City Council Protocols

Honorable Mayor and Council Members

Summary

On December 9, 2003, the Council reviewed and provided input on staff recommended changes to the City Council Protocols. The Council input has been incorporated into the attached Protocols that are presented to the City Council for final approval. Staff recommends Council approve the Protocols in Attachment A and the resolution in Attachment B.

Background and Discussion

In 1999, the City Council developed and adopted a set of Protocols to be used as a guide for how the Council should perform its duties. The Protocols were amended in March 2001 as well as in January and October 2002.

Attachment A to this report is a draft update to the Protocols that incorporates the Council input from last month.

Many of the changes proposed in the Protocols are what staff saw as “clean up” issues. Some of the more substantive changes found in the attached version, including Council-directed changes, are:

- Having staff-generated new policy issues follow a process similar to Item 9’s.
- Simplifying language about the standard adjournment time.
- Adding a new section on Comment Cards reflecting the current practice for “non-agenda” items.
- Requiring commission/task force members to state if they are speaking on behalf of the group or as an individual.
- Preventing “donating” time to other speakers, but allowing the possibility of more time for speaker representing a group.
- Changing the selection process for Mayor/Vice Mayor to an annual vote of the majority.

- Clarifying that meals for third parties are not reimbursable, as a result of an Attorney General's ruling.
- Changing the Priority Calendar "threshold" to 20 hours
- Allowing Council Members to "donate" some or all of their travel and training budget to another Council Member.
- Adding a section on Commission Recognition so there is clarity and consistency on the process and timing.

Other Issues

Staff took Council's direction regarding the "standard adjournment" time and made some modifications that can be found in bold on page 5 of the attached Protocols. If this does not correctly reflect the Council intent, or if Council wishes to change this language for any reason, this item should be pulled from the Consent Calendar.

When the Council reviewed the Protocols at the last meeting, a desire was expressed to have a more developed and consistent mechanism for dealing with speakers who exceed their time limits. Staff suggested that we would give it some thought and bring some options back to the Council. Some ideas include:

1. Use the timer consistently and enforce the time limit consistently.
2. The mayor could interrupt as soon as the timer goes off and tell the person s/he must stop but can speak more at the end of the meeting.
3. The mayor could interrupt as soon as the timer goes off and tell the person s/he has 30 seconds to wrap up or speak more at the end of the meeting.
4. If the speaker insists on continuing, the mayor could call a short recess.
5. Give more time to each speaker.
6. Cut off the microphone. [This is not real practical in our current set up, but can be explored as we design the new Chamber.]

Staff recommends, and the attached Protocols reflect (in bold on page 8), items 1, 2 and 4 above. If Council desires an alternative method, the item should be pulled from the Consent Calendar and discussed.

When the draft Protocols were brought to Council in December, staff indicated we thought the Council should review the Protocols at least every two years (following the seating of a new Council) to ensure they reflect the desires of the sitting Council. In 2002, the resolution approving the Protocols indicated they would be reviewed annually. Staff believes every other year is sufficient and the attached resolution reflects that. Council, of course, can review the Protocols at any time. If Council wishes the *standard practice* to be anything other than every two years (after a newly seated Council), this item should be pulled from the Consent Calendar and discussed.

Attachment A reflects a few other minor changes and clarifications that staff noticed as the Protocols were being edited to reflect Council direction. These changes can be found in bold on pages 1, 4, 5, 7, 13, 14 and 15. The numbering/lettering format was also cleaned-up. If Council has concerns with any of these changes, the item should be pulled and discussed.

Fiscal Impact

No fiscal impact to this report.

Recommendation

Staff recommends Council approve the changes to the Protocols as presented in Attachment A and the resolution in Attachment B.

Alternatives

1. Council modify and approve the Protocols
2. Council request additional information or research by staff.
3. Council continue this item for further discussion.
4. Council take no action.

Attachments

- A. Draft Protocols
- B. Resolution

Respectfully submitted,

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Assistant City Manager

Jere A. Kersnar
City Manager



CITY COUNCIL PROTOCOLS

January 2004

I. COUNCIL MEETINGS

1. **Regular Meetings** - Regular meetings of the Belmont City Council shall be held the second and fourth Tuesday of the month at a time and place publicly noticed. All meetings (including special meetings) shall be adjourned no later than 10:30 p.m. unless the Council Members, by a majority vote of the Council Members present at the meeting, elects to continue the meeting to a later hour or to reconvene at a later date. **All Council meetings are televised.** Study sessions are *usually* televised and normally run from 6:30 P.M.–7:30 P.M.
 - a. Other Locations - The City Council may, from time to time, elect to meet at other locations within the City and upon such election shall give public notice of the change of location in accordance with provisions of the Government Code.
 - b. Location During Local Emergency - If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the Senior & Community Center, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor or, if the Mayor does not so designate, by the Vice Mayor or the City Manager.
 - c. Canceled Meetings – When the date for any regular meeting falls on a legal holiday, or a citywide election day, the regular meeting for that day shall be deemed canceled unless otherwise provided by the City Council. The City Council must meet regularly at least once a month.
2. **Special Meeting & Emergency Meetings** - Special meetings and emergency meeting of the City Council may be called by the Mayor or majority of the City Council and held from time to time consistent with and pursuant to the procedures set forth in the Ralph M. Brown Act. (Government Code Section 54950, et seq.)
3. **Adjourned Meetings** – The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and space specified in the order of adjournment pursuant to the procedures set forth in the Ralph M. Brown Act. (Government Code Section 54950, et seq.)

4. **Closed Sessions** – The City Council may hold closed sessions during any regular or special meeting, or any time otherwise authorized by law, to consider or hear any matter that is authorized by State law to be heard or considered in closed session. The City Council may exclude from any such closed session any person or persons which it is authorized by State law to exclude from such closed sessions. The general subject matter for consideration shall be shown in the agenda posted for such session pursuant to the procedures set forth in the Ralph M. Brown Act.
5. **Cancellation of Regular Meetings** – Any meeting of the City Council may be canceled in advance by a majority vote of the Council Members. (Such cancellation shall occur no later than the last regular meeting before the meeting to be cancelled.)
6. **Quorum** - A majority of the Council Members is sufficient to do business, and motions may be passed 2 –1 if only 3 attend. There are some actions such as ordinances, resolutions, granting franchises and payment of money that may require at least 3 affirmative votes. When there is no quorum, the Mayor, Vice Mayor or any Council Member shall adjourn such meeting or if no Council Member is present, the City Clerk shall adjourn the meeting.
7. **Chair** – The Mayor shall have the authority to preserve order at all City Council meetings, to remove any person from any meeting of the City Council for disorderly conduct, to enforce the protocols of the City Council and to determine the order of business under the rules of the City Council. The Mayor, or designee, shall also have the power to administer oaths and affirmations.
 - a. Absence of Mayor - The Vice Mayor shall act as Mayor in the absence or disability of the Mayor.
 - b. Mayor or Vice Mayor Absence – When the Mayor and the Vice Mayor are absent from any meeting of the City Council, the Members present may choose another Member to act as Mayor pro tem, and that person shall, for the time being, have the powers of the Mayor.
8. **Attendance by the Public** - Except as specifically provided by law for closed sessions, all meetings of the City Council shall be open to the public in accordance with the terms, provisions and exceptions of the Ralph M. Brown Act. (Government Code Section 54950, et. seq.)
 - a. Rights of Citizens Attending Meetings - Citizens have the right to attend all open meetings of the City Government and they may be permitted to address the body on subjects relevant to its business. However, citizens must observe all the rules and regulations of the City of Belmont regarding attendance and addressing its Members.
 - b. Members of the public attending the meetings of the City of Belmont do not have the right to interrupt or heckle. They have the right only to seek permission to be heard

or to ask questions in accordance with whatever provisions for hearing public opinions or answering questions are fixed by law or have been adopted as rules of the body. They also have the right to submit written petitions, protests, and requests for hearings.

9. **Minutes** - Minutes of City Council meetings will be summary minutes. Summary minutes will include final motions with votes. The minutes will also reflect the names of public speakers and a summary of comment from the public, staff and City Council. Verbatim minutes will be prepared only by a majority vote of the City Council.
 - a. Comments for the Record - If a Council Member desires for a comment to be included in the minutes, it is his or her responsibility to indicate that the statement is “for the record” before making the comment.
 - b. Timing of City Council Approval of Minutes – Minutes of meetings are submitted to the City Council within two meetings for approval. Questions, changes, or additions to draft City Council minutes must be submitted in writing by 10:00 a.m. the Monday prior to the City Council meeting to allow time for the City Clerk to review the tapes of the meeting in order to verify the request. If written questions can not be submitted by 10:00 a.m., the Monday prior to the meeting, the Council Member with the question should request the change and ask for a continuation of the minutes in order to allow the Clerk the time to review the tapes.
 - c. Recordings of Meetings – Taped Audio Cassette recordings of proceedings are maintained by the City Clerk for a period of five years. Written transcripts will be provided if requested by a majority of the City Council Members
 - d. Video recordings of Meetings. – Taped video recordings are maintained by the City Clerk for a period of five years. Video recordings may be purchased for a fee set in the Master Fee Schedule.
10. **City Council Agenda** - The following rules for the preparation of the agenda for the City Council meetings are based on the premise that it is in the interest of good government that the City Council of Belmont be fully informed on all matters upon which it is called upon to act. The City Council relies upon the members of the City staff to perform research, conduct investigations, furnish technical information and recommend solutions to various problems of City Government, and that proper and thorough research and investigation requires time.

The following persons shall have the authority to place matters on the agenda:

- Any Member of the City Council submitting a request in writing.
- The City Manager and in the City Manager’s absence, the person designated as Acting City Manager.
- The City Attorney and in the City Attorney’s absence, the Deputy City Attorney.

a. Agenda requests by Council Members:

Any Council Member may place on the agenda under Item 9 a request to have any City policy or program reviewed or a new issue examined. The Item 9 agenda item shall state the topic to be reviewed or analyzed and the name of the Council Member(s) submitting the request. The Councilmember submitting the request may submit a memo or report summarizing his/her position on the matter. No staff work shall be done for these items prior to discussion by the entire City Council. Council Members may vote on an item at the next meeting if there is no need for additional staff analysis on the item for the City Council to make an informed decision. Item #9's that meet the threshold for Priority Calendar issues (one time issues, twenty or more hours of staff analysis required, etc.) would have a Project Description Form (PDF) developed and be added to a "proposed" list as they are suggested. Council will review the proposed list of Priority Calendar items, as well as all pending items, twice a year. For Item 9's that are time sensitive, a vote by a majority of the Council could request that it be taken up "out of order" (before the biannual review). A majority vote would lead to staff developing a PDF and a report to Council with any other relevant background information such as impact on workload or other projects. If, after being presented the PDF and background, the Council wanted to move forward with the item prior to the biannual priority-setting, it would require a super-majority (four votes) to request staff proceed with the study.

b. The City Manager shall be responsible for placing on the agenda those items requested by the Department Heads, the Chief of Police and the Chief of the South County Fire Authority. In exercising this task the City Manager shall exercise discretion in order to achieve the orderly performance of the City's business. Should the City Manager place an item on the agenda under Section 8 that involves new research on policy issues, it should follow the same process as Council Item 9's.

c. The deadline for submitting agenda items shall be at 12:00 noon 13 days prior to the City Council meeting. The City Manager, Mayor, Vice Mayor and City Clerk will review the draft agenda prior to the City Council meeting **and a tentative agenda will be distributed to the entire Council after such review.** Items submitted under Section 9 may be added up through and including the Wednesday prior to the Council meeting.

d. The agenda shall be prepared by the City Clerk and approved by the City Manager.

e. Once the agenda has been posted, an item may not be removed from or added to the agenda without a vote of the Council Members.

f. Staff reports on major items will be forwarded to the Council one week in advance if possible.

11. **Council Member Questions** – Council Members are encouraged to submit questions or requests for clarification or additional information in advance of the Council meeting. Agenda questions submitted by the Council Members and in writing, via electronic mail or

fax, by 10:00 a.m. the Monday prior to the City Council meeting will be briefly responded to in writing prior to the City Council meeting. If staff needs more time to provide a response, they will request a continuance.

H. ORDER OF BUSINESS

1. **General Order** - The business of the City Council at its meetings will generally be conducted in accordance with the following order of business unless otherwise specified (**numbers below reflect the location on the agenda where that item is found**). A closed session may be held at any time during a meeting consistent with applicable law.

ROLL CALL

PLEDGE OF ALLEGIANCE

ANNOUNCEMENT OF CLOSED SESSION ITEMS (If applicable)

1. SPECIAL PRESENTATIONS
2. PUBLIC COMMENTS AND ANNOUNCEMENTS (10 minutes)

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

3. AGENDA AMENDMENTS
4. CONSENT CALENDAR

- approval of the minutes
- communications
- regular business

5. HEARINGS

6. OLD BUSINESS

7. NEW BUSINESS

8. COMMISSION, COMMITTEE UPDATES AND STAFF ITEMS

9. MATTERS OF COUNCIL INTEREST/CLARIFICATION

PUBLIC COMMENTS AND ANNOUNCEMENTS (continued)

ADJOURNMENT

2. **Action Agenda Items** - In accordance with the Ralph M. Brown Act, the City Council may not take action on any item that did not appear on the posted City Council agenda 72 hours prior to the City Council meeting unless an exception is made as permitted under Government Code §54 950 et. seq.
3. **Special Presentations/Study Sessions** – All special presentations will be calendared and coordinated through the City Manager and reviewed with the Mayor.
 - a. City Council Announcements – Council Member announcements will be limited to notification of community events, functions and/or comments on city operations and/or projects. Concerns or matters of current, pending or future City Council deliberation are not considered announcements. Individual Council Member announcements shall be limited to 3 minutes.

- b. Honorary Proclamations and Resolutions - All requests should be given to the Mayor, through the City Clerk's Office, for consideration. The subject should be Belmont-related and it will be within the Mayor's discretion whether to prepare such a document and/or place it on the agenda.
4. **Consent Calendar** - Agenda items removed from the consent calendar by Council Members, members of the public or staff will be considered prior to the next agenda item. Members of the public may comment on consent items prior to the City Council's consideration of the consent agenda.

A Council Member may vote "no" on any consent item without comment or discussion. Any comments, questions or discussion on an item will require the pulling of the item from the consent calendar.

5. **Standard Adjournment** - The Belmont City Council establishes 10:30 p.m. as the **general** hour of adjournment.

If items remain to be **discussed** after the 10:30 p.m. adjournment **time, a majority vote of the Council can extend the meeting or** a special meeting may be scheduled or the items deferred to the next meeting. Deferred items will appear as "Old Business".

II. RULES OF CONDUCT |

1. **General Procedure** - It is the intent of the Council to follow Roberts Rules of Order. Consistent with any applicable City ordinance, statute or other legal requirement, any issue of procedure relating to conduct of a meeting or hearing not otherwise provided for herein may be determined by the Mayor, subject to appeal to the full City Council.
2. **Authority of the Chair** – Subject to appeal to the full City Council, the Mayor shall have the authority to prevent the misuse of motions, or the abuse of any privilege, or obstruction of the business of the City Council by ruling any such matter out of order. In so ruling, the Mayor shall be courteous and fair and should presume that the moving party is acting in good faith.
3. **Mayor to Facilitate City Council Meetings** - The City Council has delegated the responsibility and expanded the role of the Mayor to include the facilitation of City Council meetings. In the role as facilitator, the Mayor will assist the Council Members to focus on their agenda, discussion and deliberations.
4. **City Council Deliberation & Order of Speakers** - The Mayor has been delegated the responsibility to control the debate and the order of speakers. Speakers will generally be called upon by name in the order the requests to speak were received by the City Clerk.

Questions Addressed to Another Council Member - With the concurrence of the Mayor,

a Council Member holding the floor may address a question to another Council Member; that Council Member may respond while the floor is still held by the Council Member asking the question. A Council Member may opt not to answer a question while another Council Member has the floor.

5. **Limit Deliberations to Item at Hand** - Council Members will limit their comments to the subject matter, item or motion currently being considered by the City Council.
6. **Length of Council Members Comments** - Council Members will govern themselves as to the length of their comments or presentation. The City Council has delegated to the Mayor the responsibility to assist Council Members by signaling when the Council Member has been speaking for over five minutes.
7. **Council Members Presentations** - Council Member presentations are limited to the item or issue being deliberated. To insure that the appropriate equipment is available, Council Members must provide the City Clerk advance notice of the intent to make a presentation.
 - a. **Title Page** - Presentations will be prepared by individual Council Members and will have a title page indicating that the opinions or positions presented are that of the individual Council Member.
 - b. **Staff Assistance** - Staff will assist Council Members to insure that the presentation is computer compatible and working correctly prior to the Council Meeting.
 - c. **Computer Software** - Software will be provided for those Council Members with a home or business computer and wishing to use it rather than computers at City Hall.
 - d. **Copy of Presentation** - To insure a complete record of the meeting, Council Members will provide a copy of the presentation to the City Clerk after the Council meeting.
8. **Obtaining the Floor** - Any Council Member wishing to speak must first obtain the floor by being recognized by the Chair. The Chair must recognize any Council Member who seeks the floor when appropriately entitled to do so.
9. **Motions** - Motions may be made by any Council Member, including the presiding officer, providing that before a motion is offered by the presiding officer, the opportunity for making a motion should be offered to other Council Members. Any Council Member, other than the person offering the motion, may second a motion.
10. **Procedure For Motion** - Before a motion can be considered or debated it must be seconded. Once the motion has been properly made and seconded, the Chair shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Council Member properly recognized by the Chair. Once the matter has

been fully discussed and the Chair calls for a vote, no further discussion will be allowed, provided, however, Council Members may be allowed to explain their vote.

11. **Motion Amendments** - When a motion is on the floor, and an amendment is offered, the amendment should be acted upon prior to acting on the main motion.
12. **Ordinances** - Motions offering ordinances are deemed to include waiver of full reading and title of the ordinance unless otherwise specifically stated.
13. **Voting** - Any Council Member present at a meeting when a question comes up for a vote should vote for or against the measure unless he/she is disqualified (recused) from voting and abstains because of such disqualification. **If a Council Member is recused, s/he should leave the room.** The City Council may vote by roll call, ballot or a show of hands. Regardless of the manner of voting, the results reflecting all "ayes" and "noes" must be clearly set forth for the record by the City Clerk.
14. **Abstention** - An abstention does not count as a vote for or against a matter. If a Council Member abstains, he/she is counted as present for quorum purposes, but is not deemed to be "voting" for purposes of determining whether there has been a "majority vote of those Members present and voting."
15. **Tie Votes** - A tie vote results in a lost motion. In such an instance, any Council Member may offer a motion for further action. If there is no action by an affirmative vote, the result is no action. If the matter involves an appeal, and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.
16. **Motions for Reconsideration** - Motions for reconsideration of a matter may be made at the same meeting. Such a motion may only be made by a Council Member who voted with the side that prevailed on the previous action. With regard to tie vote resulting in a lost motion, the prevailing side will be deemed to be those Council Members who voted in the negative. Any Council Member may second a motion for reconsideration .
17. **Non-Observance of Rule** - Rules adopted to expedite and facilitate the transaction of the business of the City Council in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by the City Council.
18. **Polling of the Audience** - Shall be at the discretion of the Mayor.

IV. ADDRESSING THE CITY COUNCIL

1. **Staff Presentations** - Staff presentations should generally be limited to no more than 10 minutes. Longer staff presentations must be approved by the City Manager prior to the City Council meeting.

2. **Oral Presentations by Members of the Public –**

General

There are three times during the meeting for members of the public to speak: public comments and announcements (2 minute limit, at the beginning of the meeting), agenda items and public comments and announcements (at the end of the meeting). **The City Clerk is directed to use the timer consistently for public comments and the Mayor should enforce the time limit consistently. Should a speaker exceed the time limit, the Mayor should interrupt as soon as the timer goes off and tell the person s/he must end or speak more at the end of the meeting. If the speaker insists on continuing, the mayor should call a short recess.**

Oral presentations by members of the public at City Council meetings should adhere to the following guidelines:

- a. **Speaker Card** - Prior to the meeting, or during the meeting prior to the point at which the person wants to speak, anyone wishing to address the City Council should fill out a speaker card specifying which part of the agenda they wish to speak on and submit it to the City Clerk.

The cards may also be used by members of the public who do not wish to, or cannot, verbally address the City Council during a meeting. Persons may indicate their comments and their opposition or support for an item on a Speaker Card. Such comments on agenda items will be part of the official record.

During the public testimony on the item, the Mayor indicates that the City Council has received Speaker Cards from (name of person) in support of the project or issue and Speaker Cards from (name of person) in opposition of the project or issue. The minutes will reflect the City Council's receipt of comment cards in opposition and support of the project or issue.

- b. **Comment Card** – members of the public may also submit a “Comment Card” for *issues that are not on the agenda*. Copies of Comment Cards will be forwarded to the Council and the City Manager or other staff member for direction, if necessary.
- c. **Speak from Podium** - When called upon, the person should come to the podium, state his/her name for the record, and, if speaking for an organization or other group, identify the organization or group represented. Individuals who serve on City commissions or task forces but are not speaking on behalf of that group should so state.

- a. **Address Council** - All remarks should be addressed to the City Council as a whole, not to individual Council Members thereof, nor to staff or other members of the public.
 - b. **Questions**, if any, should be directed to the Mayor who will determine whether, or in what manner, an answer will be provided.
 - f. **Cumulative Time Limit** - Members of the public making oral presentations to the City Council in connection with one or more agenda or non-agenda items at a single meeting are limited to accumulative total of not to exceed ten minutes for all of their oral presentations at such meeting unless otherwise provided.
 - g. **Comments in Writing Encouraged** - Members of the public may submit, and are encouraged to submit, comments in writing to the City Council relating to any items of City business, whether on the City Council agenda or otherwise. Such written comments will be distributed to the Council Members and considered and acted upon, or not acted upon, as the City Council in its judgment may deem appropriate. Written comments should be submitted via the City Clerk's office, or can be submitted electronically to the entire Council.
 - h. **Repetitious or Dilatory Comments Prohibited** - Speakers shall not present the same or substantially same items or arguments to the City Council repeatedly or be repetitious or dilatory in presenting their oral comments. If a matter has been presented orally before the City Council, whether the City Council has taken action, or determined to take no action, the same or substantially same matter may not be presented orally by the same person any further. Nothing in the foregoing precludes submission of comments to the City Council in writing for such action or non-action as the City Council, in its discretion, may deem appropriate.
 - i. **Group Comments** - In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the City Council on the same subject matter, the Mayor may request that a spokesperson be chosen by the group and grant additional time; and, in case additional matters are to be presented by any other member of the group, that there be a limit on the number of such persons addressing the City Council. A specific time limit may also be set for the total presentation.
 - j. **Time Limits** – Time limits are for each individual speaker submitting a card, and time cannot be “donated” to other speakers.
3. **Public Comments/Announcements** - This is the period set aside at City Council meetings for members of the public to address the City Council on items *other than scheduled agenda items* or items currently in litigation. This portion of the City Council meetings is the

opportunity for members of the public to address the City Council in compliance with Government Code Section §54954.3. No action will be taken by Council on issues raised under Public Comments/Announcements.

Public comments are permitted at the beginning *and* end of a City Council meeting, as specified on the City Council agenda. The first period will be limited to no more than 10 minutes total for all speakers, with each speaker given no more than 2 minutes. If there are more than five (5) public speakers, each speaker's time shall be reduced so that all speakers have an equal time to speak. The public comment period at the end of the meeting shall have no time limits beyond the Council adjournment time. If there are multiple speakers, the Mayor may direct the City Clerk to use an electronic timer.

4. **Agenda Item Oral Presentations** – Any Member of the public wishing to address the City Council orally on City business matters appearing on the City Council agenda may do so when that item is taken up by the City Council, or as otherwise specified by the Mayor. |

A. **General Procedure** - The City Council's procedure is generally as follows:

- 1) **Staff** - The staff presents its report. (Council Members may ask questions of staff if they so desire but should refrain from discussing the substance of the matter at this point.)
- 2) **Public Discussion** - When a matter on the agenda comes before the City Council, the Mayor will open the public comment section. Before any motion is adopted related to the merits of the issue to be heard, the Mayor shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter. Public comments are limited to two minutes each, and the Mayor may direct the City Clerk to use the electronic timer.
 - a. **Project Applicant or Appellant** - A project applicant, appellant or other person or entity with a substantial, direct property interest in an agenda item, or any duly designated representative of such a person or entity, shall have such time for oral presentation or testimony in connection with the noticed agenda item to which their oral presentation or testimony relates as may be specified by the City Council or presiding officer of the hearing based on the facts and circumstances of the particular matter, the nature and complexity of the particular issue, the number of persons wishing to be heard and like considerations as determined in the sole discretion of the City Council or Mayor. The applicant or appellant then has the opportunity to present his/her/its comments, testimony, or argument first.

Oral presentations by applicants or appellants are limited to five minutes unless otherwise provided. If a time greater than five minutes is permitted pursuant to this paragraph, such time shall constitute as the cumulative time limit for such speaker.

- b. **Members of the public** are provided with the opportunity to present their comments, testimony or argument. Limited to 2 minutes for each speaker. The Mayor has the authority to limit total public comment period.
 - c. **The applicant or appellant** is given an opportunity for rebuttal or closing argument. Total time limited to 5 minutes.
 - d. The opportunity for public input portion thereof is closed and Council Member discussion and consideration occurs. In this connection, there may be further questions of or comments by staff, or questions by the Council Members of others as deemed necessary or appropriate without reopening the public input portion.
- 3) City Council decision occurs by way of a motion.
- 4) The Mayor or City Clerk will announce the final decision of the City Council.
- B. **Presentations Submitted in Writing** - Persons who anticipate oral presentations exceeding time limits are encouraged to submit comments in writing, in advance, care of the City Clerk, for prior distribution to the City Council and other interested parties, whenever possible, by the Thursday morning preceding the scheduled City Council meeting relating to the matter or, if that is not possible, at the earliest feasible time prior to the meeting. In addition, submission of comments in writing is encouraged in lieu of possible lengthy oral presentations that may not be permitted.
- C. **Due Process** - The Mayor shall conduct the meeting in such a manner as to afford due process.
- D. **Materials for Public Record** - All persons interested in the matter being heard by the City Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented will be retained by the City Clerk as part of the City Clerk's record of the hearing, unless otherwise directed.
- E. **Germane Comments** - No person will be permitted during the hearing to speak about matters or present evidence that is not germane to the matter being considered. A determination of relevance shall be made by the Mayor, but may be appealed to the full City Council.
- F. **Continuance of Hearings** - Any hearing being held or noticed or ordered to be held by the City Council may, by order or notice of continuance, be continued or re continued to any subsequent meeting.

- G. **Communications and Petitions** - Written communications and petitions concerning the subject matter of the hearing will be noted, read aloud, or summarized by the Mayor. A reading in full shall take place if requested by any Council Member.
- H. **Admissible Evidence** - Hearings need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be considered if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs.
- I. **Rules**
- a. **Waiver of Rules** - Any of the foregoing rules may be waived by majority vote of the Council Members present when it is deemed that there is good cause to do so based upon the particular facts and circumstances involved.
- b. **Non Exclusive Rules** - The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the City Council, or of its Mayor, to govern the conduct of City Council meetings as may be considered appropriate from time to time or in particular circumstances for purposes, of orderly and effective conduct of the affairs of the City.
- c. **Relationship of City Council to Electors** – Council Members shall be guided by the following principles. The Council Members of the City of Belmont are elected by all of the people to serve as representatives of all of the people. Authority and responsibility for legislative enactments are vested in the City Council. California follows the City Council type of government where it is the function of the representatives to do that which in their best judgment is proper. California does not follow the “Town Meeting” type of government where the people legislate. Therefore, the City Council has authority to limit debate on any subject and to act in good faith regardless of the viewpoints of those present. The purpose of City Council meetings is for the City Council to debate openly on particular matters, to hear public expression thereon, and to inform the public of what the City Council is doing. No City Council is infallible and it is proper that public opinion be sought, but no Council Member can permit his judgment to become subservient to the criticism of City Council meeting attendants. Conversely, Council Members should remember that they are servants of the people, not free agents, in administering the affairs of government.
- (1) It is the responsibility of the Chair to control public debate so that repetitive or irrelevant remarks are not made, so that everyone has had a chance to speak before others speak for a second time; and to expedite the business at hand.
- (2) The responsibility of making decisions is not easy nor without its problems, but it is the responsibility of Council Members to vote and decide issues, regardless of personal hesitation. There will always be segments of the population dissatisfied

with any decision. The purpose of government is to balance, legally, fairly and without favor, the limitations, restrictions or losses that are to be placed upon the individual or several individuals against the good, the benefit or welfare of or to a majority of the people.

- (3) The electors have delegated to the City Council the right, the power and the duty to act; the same electors have reserved to themselves the rights of (1) Petition, (2) Election, (3) Recall, (4) Referendum, (5) Initiative, and (6) Taxpayers' suits. Both the Council Members and the electors must accept the authority of powers given (or reserved) to them, and exercise the same accordingly and in good faith.

- d. **Roberts Rules of Order.** Except as provided herein, and unless provision to the contrary is made in the laws of the State of California, the procedures of the City Council shall be governed by the latest revised edition of Roberts Rules of Order.

V. MAYOR/VICE MAYOR SELECTION

1. The mayor and vice mayor shall be chosen at the second regular meeting in November in even numbered years and at the meeting certifying the election of new council members in odd numbered years unless a special meeting is scheduled to install the mayor and vice mayor.
2. The mayor and the vice mayor shall be selected each year by a majority vote of the City Council.

VI. COUNCIL MEMBER ADMINISTRATIVE SUPPORT

1. **Mail** - All letters addressed to the Mayor requiring a response from staff are copied to all Council Members with a note as to which staff person will be preparing a response for the Mayor's signature. Cards and other Council Member mail marked "personal" will not be copied to the full City Council.
 - a. E-Mail – All e-mail sent to Mayor and Council Members regarding City business should have one response provided. Individual members are encouraged to reply, and let correspondent know that a coordinated response will be forthcoming from the Mayor and/or City Manager.
2. **Council Correspondence** - All Council Member correspondence written with City resources (letterhead, typing, staff support, postage, etc.) will reflect the position of the full City Council, not individual Council Members' positions. All Council Member correspondence using City resources will be copied to the full City Council. For example, responses to citizen letters will be copied to the full City Council and City Clerk along

with the original citizen correspondence. Generally, letters reflecting the City position will be prepared for the Mayor's signature.

Personal Correspondence - City Council Members should use personal stationary or City "Thank You" notes, not City letterhead, for communications reflecting their personal positions, not the positions of the full City Council. These communications will be prepared and sent at the expense of individual Council Members. Council Members may utilize the City's outgoing mail service, however, postage will be at the Council Member's expense.

3. **Clerical Support** - The City Manager's Office will coordinate the preparation of correspondence requested by individual Council Members. All correspondence typed for Council Members will be on City letterhead and will reflect the position of the full City Council, not individual Council Members, and will be copied to the full City Council and City Clerk.
4. **Master Calendar** - A master calendar of City Council events, functions or meetings will be provided to the full City Council. Functions, events or meetings to be attended by individual Council Members will not be included on the master calendar.
5. **Requests for Research or Information** - Council Members may request information or research from the City Manager or Department Heads on a given topic directly when it is anticipated that the request can be completed by staff in less than an hour. Council Member requests for research or information that is anticipated to take staff more than one hour to complete should be directed to the City Manager. Requests anticipated to take more than 20 hours of staff time will be added to the "Priority Calendar" list. Requests for new information or policy direction can be brought to the full Council at a regular meeting for consideration under the procedures for Item 9's. All written products will be copied to the full City Council and City Clerk.
6. **Council Notification of Significant Incidents** - In conjunction with the City Manager's Office, the Police Department and South County Fire will coordinate the notification to City Council of major crime, fire or other incidents.
7. **Travel Reimbursement** - Guidelines for the reimbursement of Council Members for the cost of traveling for City business are as follows:
 - a. Meal Allowances - Establishment of a maximum reimbursable daily meal allowance of \$46.00 per day (**or as set by the IRS**).
 - b. Air Travel - Economy or coach fare only.
 - c. Private Vehicle - The reimbursement rate for non-local travel expenses shall be the current IRS established standard mileage rate for business related transportation

expenses. Non-local travel is defined as official travel outside the County of San Mateo.

- d. Lodging - Every effort shall be made to request and take advantage of government rate discounts or any other special rates available or select accommodations which will moderate the cost to the City.
- e. Application of Guidelines – The Mayor shall be responsible for the application of these guidelines to particular circumstances.

8. **Compensation, including Non-Travel Reimbursement-**

- a. Payment of Salary - Belmont City Council will be paid a salary in accordance with Ordinance 896 or any future updates. Council Members also receive the same Flexible Benefits package as provided to the Management Confidential employees.
- b. Tax Reporting - This will be in accordance with applicable City of Belmont Resolutions.
- c. Telephone, FAX, and Communication - Expenses incurred while conducting City business by Council Members in conjunction with their official capacities will be reimbursed.
- d. Council Member can be reimbursed for non-travel related meals. Reimbursement requests shall conform to State and federal laws and regulations covering eligible reimbursements.
- e. Each Council Member shall have the final determination on the appropriateness of a request for reimbursement, subject to the following guidelines:
 - 1. Costs incurred while furthering the interests of Belmont are reimbursable.
 - 2. Donations are not reimbursable.
 - 3. Anything identified as tax deductible shall not be reimbursable.
 - 4. Meals for third parties, such as constituents, **commissioners**, legislators and private business owners are not reimbursable.
 - 5. Reimbursement **is only for** direct expenses.
 - 6. **The** individual Council Member's **annual** budget allocation is not exceeded (however, funds can be “donated” from one Council Member to another on a voluntary basis).

9. **Inappropriate Actions** - The City Council has delegated the Mayor the responsibility to discuss, on behalf of the full Council, any perceived or inappropriate action by an individual Council Member or by commissioners. The Vice Mayor will discuss perceived inappropriate actions with the Mayor when the Mayor is directly involved in the incident(s). The Mayor or Vice Mayor will discuss with the Council Member the

action and suggest a more appropriate process or procedure to follow. After this discussion, if further inappropriate action continues, the Mayor or Vice Mayor will report the concern to the full Council.

VHC

Commissions

a. Appointments

The City has four commissions that advise the Council: Arts, Finance, Parks and Recreation, and Planning. Terms are for 2 to 3 years (except the youth positions on Parks and Rec., which is for one year). Terms begin in March. In January, the City Clerk will advertise for commission vacancies; City Clerk publicizes the vacancies and deadline in a number of ways. A meeting to interview the candidates is generally scheduled for February. At the last meeting in February, Council votes via ballot and adopts a Resolution appointing the commissioners.

In order to expedite the process should a vacancy occur within one year of interviews, staff is authorized to contact any applicants who were not selected to see if s/he is still interested in serving. The names of those applicants interested in being appointed will be brought directly to Council for consideration or for alternative direction.

b. Recognition

Traditionally, the City hosts a dinner annually to recognize commissioners for their service to the community. Generally the dinner is in mid-February. Milestones of service can be recognized at the event. Staff from the departments that have commissions rotate the coordination of the dinner.

In addition, Council proclamations are presented to those commissioners whose terms have ended at a future Council meeting.

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT
APPROVING CITY COUNCIL PROTOCOLS

WHEREAS, the City Council adopted Protocols in 1999 in order to guide how the City Council should perform its duties; and

WHEREAS, the Protocols have been amended a number of times since then; and

WHEREAS, the Protocols were reviewed, discussed and direction was given by the City Council on December 9, 2003; and,

WHEREAS, the City Council expressed a desire to review the Protocols every other year after the seating of a new Council;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Belmont does hereby approve the updated City Council Protocols as presented in Attachment A and rescinds all previous Council actions related to the Protocols.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on January 13, 2004 by the following vote:

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

CLERK of the City of Belmont

APPROVED:

MAYOR of the City of Belmont